

REMARKS

Claims 33-61 were pending in this application prior to the Office Action. By this amendment claims 33 and 47 are amended. No new matter has been added. Thus, claims 33-61 are now pending. In view of the following remarks, reconsideration and allowance of the application is respectfully requested.

Claims 33-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharma et al. (2002/0068559) in view of Albert et al. (2003/0177389), further in view of Nordstrom et al. (7,136,907). However, contrary to the assertion of the Examiner, none of Sharma, Albert or Nordstrom, taken alone or in combination, disclose, suggest, or render obvious the invention recited in claim 33-46. Applicant believes that this is clarified by the amendments made to the independent claims 33 and 47.

For example, claim 33 recites:

33. A method for managing a computer system on a network, the computer system including a computing node located on the network side of a network connection on the network and one or more mobile devices located on a user's side of the network connection on the network, comprising:

detecting, using a discovery program, one or more *mobile devices* on the network that are connected to the computing node;

detecting, using a discovery program, one or more *mobile devices* on the network that were previously, but are not currently, connected to the computing node;

determining information regarding at least one of the detected mobile devices based on at least one of a registry resource, a file resource, a process resource, a network management parameter, a data format, a packet format, a synchronization log entry, a directory structure, a database entry, the presence of an executable program and attributes associated with a mobile device or resource; and

using the determined mobile device information to manage security of the computer system from the network side of the network connection.

Thus, the claimed invention relates to a method comprising, in relevant part, detecting, using a discovery program, one or more *mobile devices* on the network that are connected to the computing node, detecting, using a discovery program, one or more *mobile devices* on the network that were previously, but are not currently, connected to the computing node.

In contrast, Sharma discloses, in paragraph [0062], the use of a basic network discovery function. For example, Sharma discloses, for example, in paragraph [0066], the use of a basic “network discovery function” which merely browses the network to discover the existing network topology. As is disclosed in paragraph [0066], the NMS 400 network discovery function is carried out by the network discovery process 426. The network discovery process 426 communicates with the network via the I/O interface 402 to browse the network to discover the existing network topology. The network topology preferably serves as a schematic or blueprint of the assets present on the network, and may include the NMS. The network discovery process 426 forwards the discovered network topology to the view database 424. The view database 424 stores the network topology as well as network topology views 422 associated with the network topology as described below. The view database 424 is a repository of network topology views 422, including PAN and WAN views of the network.

However, Sharma’s network discovery function does not teach, suggest, or disclose the claimed invention, which specifically recites the discovery of *mobile devices*. To the contrary, Sharma’s network discovery function operates only to discovery resources *based in the physical network*, which does not include mobile devices, based on the nature of their connection. For example, Sharma specifically states, in paragraph [0071], that “the network discovery process 426 on the NMS 400 discovers the *physical* network consisting of network assets, including *interconnected* devices and *links* (emphasis added).” Note as well that the network discovery process features the characteristic described in [0077], that “‘plug-in assets that cannot be discovered by other means are discovered.”

To the extent that Sharma's discovery function provides a "schematic or blueprint of the assets present on the network," it will only reflect *physical* network assets, and will not include the discovery or detection of mobile devices that may connected to a the network because *the connection of the mobile devices is not a physical connection*. Instead, Sharma specifically states, in paragraph [0067], that "The server logon tracking process 408 preferably keeps track of any mobile wireless capable devices connected to or communicating with the distributed system of NMS."

Accordingly, it is clear that Sharma differentiates between mobile devices and physical network resources, that Sharma's discovery process only discovers the physical topology of the network, and that *Sharma does not disclose discovery of mobile devices* as recited in the claims.

Albert fails to overcomes the above stated deficiencies of Sharma, including, for example, the discovery of mobile devices. To the contrary, Albert merely discloses, in paragraph [0024], a system for regulating access at a computing system or devices as required for connection of a device to a network. There is no suggestion whatsoever in Albert to detect, using a discovery program, one or more mobile devices on the network that are connected to the computing node, and detect, using a discovery program, one or more mobile devices on the network that were previously, but are not currently, connected to the computing node, as is recited in the claims. Accordingly, Albert's teachings do not remedy at least the above-stated deficiencies of Sharma.

Nordstrom also fails to overcomes the above stated deficiencies of Sharma and Albert, including, for example, the discovery of mobile devices. To the contrary, Nordstrom merely discloses, a discovery utility that allows an operating system of a distributed computer system, such as a system area network, to be notified whenever a new component (node or device) is added to the SAN. The invention is also applicable to *discovery of previously connected devices that were in the OS database but have been removed from the network for one reason or another*. (See col. 2, lines 61-67). Thus, according to Nordstrom, the discovery of "previously connected devices" relates to devices that "have been removed from the network." As with Sharma and

Albert, there is no suggestion whatsoever in Nordstrom to detect, using a discovery program, one or more mobile devices on the network that are connected to the computing node, and detect, using a discovery program, one or more mobile devices on the network that were previously, but are not currently, connected to the computing node, as is recited in the claims. Accordingly, Nordstrom's teachings do not remedy at least the above-stated deficiencies of Sharma and Albert.

In contrast to the above teachings, the present claims relate to the use of a discovery program that 1) detects mobile devices on the network that are connected to a computing node, and 2) detects mobile devices on the network that were previously, but are not currently, connected to the computing node. For example, the Examiner's attention is directed to paragraphs [0067]-[0076] of the published application, which supports the present claims. In particular, the discovery process can detect and track, how a mobile device or external resource is used and on which systems a particular resource or mobile device has synchronized data. The discovery process can also detect one or more mobile devices or other resources that at one time or another have attached to the system, or foreign and unknown devices (that have not been attached to the network earlier) entering a wired or wireless network of an organization. Thus, the discovery method of the present invention can also discover and secure storage media or any other resource that attach to the computing node or mobile devices. The discovery program scans domains or computing nodes to detect mobile devices, e.g., based on a domain identity. A scan profile can be used to define the parameters for connecting to domains, computing nodes and mobile devices.

In addition, network management parameters, such as those defined by the Simple Network Management Protocol (SNMP) can be used to locate, detect and discover the types of the mobile devices or resources that have attached to the computing node. Also, the data and packet format as well as associated transport and network protocol parameters, e.g., TCP, UDP, and IP can be used to locate, detect or discover the type of mobile devices. Such mobile device type information is used for managing security in the computer network. By processing any of the gathered information, the discovery system and method of the present invention provides an,

effective management tool for managing all security aspects of any computer system.

Thus, for at least the above reasons, neither Albert nor Sharma nor Nordstrom, alone or in combination, disclose, suggest, or render obvious the invention recited in pending claims 33-46. Therefore, Applicants respectfully request that the rejection of claims 33-46 under 35 U.S.C. § 103(a) as being unpatentable in view of Albert and Sharma be reconsidered and withdrawn.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

NIXON PEABODY, LLP

Date: December 11, 2008

/Stephen M. Hertzler, Reg. No. 58,247/
Stephen M. Hertzler
Reg. No. 58,247

NIXON PEABODY LLP
Customer No. 22204
401 9th Street, N.W., Suite 900
Washington, D.C. 20004
(202) 585-8000